

Mark S. Lee (SBN 94103)
 mark.lee@rimonlaw.com
 RIMON, P.C.
 2029 Century Park East, Suite 400N
 Los Angeles, California 90067
 Telephone: 310.361.5776
 Facsimile: 310.361.5776

 Attorneys for Plaintiff NIRVANA,
 L.L.C.

Bert H. Deixler (SBN 70614)
 bdeixler@kbbkfirm.com
 Patrick J. Somers (SBN 318766)
 psomers@kbbkfirm.com
 KENDALL BRILL & KELLY LLP 10100
 Santa Monica Boulevard, Suite 1725
 Los Angeles, California 90067
 Telephone: (310) 556-2700
 Facsimile: (310) 556-2705

UNITED STATES DISTRICT COURT
CENTRAL DISTRICT OF CALIFORNIA, WESTERN DIVISION

NIRVANA, L.L.C., a Washington
 Limited Liability Company,

 Plaintiff,

 v.

 MARC JACOBS INTERNATIONAL
 L.L.C., et al., an individual,

 Defendant.

AND RELATED CLAIMS,

Case No. 2:18-CV-10743-JAK (SKx)

**JOINT REPORT RE SETTLEMENT
 PROCEEDINGS AND TRIAL
 SETTING CONFERENCE**

 The Hon. The Honorable John A.
 Kronstadt

Pursuant to this Court’s order of December 21, 2023, as amended by its order of January 5, 2024, the parties provide the following joint report describing their positions on settlement and a trial setting conference.

I. POSITION REGARDING SETTLEMENT

There have been no significant settlement discussions amongst or between the parties since the filing of the motions this Court ruled upon in its December 21, 2023 Order.

All of the parties believe that further settlement proceedings should be

1 scheduled in this action before a mutually agreeable mediator within 120 days.

2 **II. POSITIONS REGARDING TRIAL SETTING CONFERENCE**

3 Plaintiff Nirvana L.L.C. believes that a Trial Setting Conference should be
4 scheduled 30 days after further settlement proceedings or within 150 days,
5 whichever occurs first.

6 Plaintiff-in-Intervention Robert Fisher objects to the setting of a trial date, and
7 has moved to stay these proceedings so that he can appeal certain aspects of this
8 Court's December 21, 2023 order, as set forth in Dkt. No. 241.

9 Defendant Marc Jacobs International L.L.C. ("MJ") believes that it would be
10 most appropriate to postpone a Trial Setting Conference and setting a trial date until
11 Mr. Fisher's pending motion for certification for appellate review (Dkt. No. 241)
12 and any resultant appeal are decided, consistent with the arguments made in Mr.
13 Fisher's pending motion to stay. MJ respectfully suggests that the parties be
14 ordered to submit a status report within 10 business days of either: (1) the
15 conclusion of their forthcoming mediation if the case is resolved or (2) final
16 determination of Mr. Fisher's motion for certification or (3) a final ruling on any
17 resultant appeal by Mr. Fisher, whichever is latest. MJ asserts that this case will
18 only require a trial if mediation is not successful, and the case will only be ready for
19 trial after Mr. Fisher's role in that trial is determined.

20 Dated: January 25, 2024

RIMON, P.C.
KENDALL BRILL & KELLY LLP

22 By: /s/ Mark S. Lee

23 Mark S. Lee
24 RIMON, P.C.
25 2029 Century Park East, Suite 400N
Los Angeles, California 90067

26 Bert H. Deixler
27 Patrick J. Somers
28 KENDALL BRILL & KELLY LLP

1 10100 Santa Monica Boulevard, Suite 1725
2 Los Angeles, California 90067

3 Attorneys for *Plaintiffs*
4 NIRVANA, L.L.C.

5 Dated: January 25, 2024

KELLEY DRYE & WARREN LLP

6 By: /s/Michael J. Zinna

7 Michael J. Zinna
8 KELLEY DRYE & WARRANT LLP
9 3 World Trade Center
10 175 Greenwich Street
11 New York, New York 10007

12 Attorneys for *Defendant*
13 MARC JACOBS INTERNATIONAL,

14 Dated: January 25, 2024

MODO LAW, P.C.

15 By: /s/Inge De Bruyn

16 Inge De Bruyn
17 MODO LAW, P.C.
18 4218 Via Padova
19 Claremont, California 91711

20 Attorneys for Plaintiff-in-Intervention,
21 ROBERT FISHER
22
23
24
25
26
27
28

1 **FILER'S ATTESTATION**

2 Pursuant to Civil L.R. 5-1(i)(3), I, Mark S. Lee, attest that concurrence in the
3 filing of this document has been obtained.

4 /s/ Mark S. Lee

5 Mark S. Lee

6
7 **CERTIFICATE OF SERVICE**

8 I hereby certify that on January 25, 2024, the within document was filed with
9 the Clerk of the Court using CM/ECF, which will send notification of the filing to
10 all attorneys of record in this case.

11 /s/ Mark S. Lee

12 Mark S. Lee